

Prem and ors. Vs. State

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Court : Delhi

Decided On : Dec-18-2012

Judge : V.K.Shali

Appellant : Prem and ors.

Respondent : State

Judgement :

* HIGH COURT OF DELHI AT NEW DELHI + CRL.A. 1142/2011 Decided on :

18. 12.2012 PREM & ORS. Appellants Through: Mr.Anurag Jain, Advocate. Versus STATE Respondent Through : Mr.Sunil Sharma, APP CORAM: HONBLE MR. JUSTICE V.K. SHALI V.K. SHALI, J.

(ORAL) Crl.M.B. no.645/2012 1. This is an application filed by the appellant no.1 for suspension of sentence and grant of bail.

2. Briefly stated the facts of the prosecutions case against the appellants are that an FIR no.369/2003, dated 06.10.2003, under Section 498A/406/304B/34 IPC was registered on the direction of SDM, Narela. The SDM had recorded the statement of Rai Singh, father of the deceased who had stated that his daughter Anita (since deceased) got married to Rajkumar, resident of Village & PO Khera Khurd, Delhi about 4 years ago. He alleged in his statement that the deceased was being harassed and beaten by her mother in law and brother in law for demand of dowry right from the beginning. Amount of `10,000/- and `33,000/- was given to the

mother in law of the deceased for purchase of motorcycle by the parents of the deceased.

3. When the deceased was blessed with a child, another sum of `19,000/- was alleged to have been given for purchase of a Buffalo on the demand of the mother in law. Since the lust for money and dowry did not stop, the deceased was subjected to great deal of harassment and mental torture as a consequence of which ten days prior to the date of the death of the deceased, she was allegedly beaten up by her mother in law, brother in law and sister in law. They had also placed a demand for a Maruti car. Thereafter, she was sent to her parents home wherefrom she was taken back 3 days prior to the date of incident. CrI.A. no.1142/2011 On the basis of the aforesaid facts, a case under Section 304B/498A/406/34 IPC was registered.

4. The prosecution after filing challan adduced evidence and the appellant no.1/Prem and her two sons; appellant Nos.2 and 3 were convicted for an offence u/S 304B/498A/406/34 IPC.

5. So far as the appellant no.1 is concerned, she was sentenced to seven years for offence under Section 304B and three years each for offence u/S 498.and 406 IPC.

6. The learned counsel for the appellants has contended since the appellant no.1 is an old lady of 70 years of age and has already been in custody for more than a year and the appeal of the appellants is likely to take some time, therefore, her sentence be suspended and she be enlarged on bail during the pendency of the appeal.

7. I have carefully considered the submissions made by the learned counsel for the appellants and perused the record including the nominal roll received on 12.12.2012. The nominal roll shows that as on date, the appellant no.1 has undergone sentence of one year and five months or so. The nominal roll also shows that she has yet to undergo sentence of 5 years and 4 months or so.

8. The appellant no.1 has still not undergone half of the total sentence and moreover, the nature of offence for which the appellant no.1 has been convicted is one of the most heinous offences, where a woman subjects her young daughter in law to great deal of mental torture and harassment with a view to extract money as dowry, which becomes basis of her taking her own life.

9. There is a seal of judicial approval on the case of the prosecution which shows that she is guilty for the death of a young married woman who was also blessed with a child. It is one of the most difficult thing to do for a mother to end her life when her infant child is alive and leave him or her at the mercy of her in laws or unscrupulous husband. This speaks about the volume of the torture or mental harassment which this lady must have undergone. I feel that this is not a fit case where the appellant no.1 deserves to be enlarged on bail and her sentence be suspended. Accordingly, the application of the appellant no.1 is dismissed. CRL.A. 1142/2011 Since the appeal is admitted, list the matter in the category of Regulars on its own turn. V.K. SHALI, J.

DECEMBER 18 2012 RN

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